

extension of time to respond to the Office Action. A Petition for Extension of Time and the appropriate fee are being filed concurrently.

Please amend the above-identified application as follows:

In the Claims

Please amend Claim 1 as follows:

Subt. 10/1
B1

1. (Amended) A method of immunizing a vertebrate against an infectious agent, said method comprising administering to a vertebrate a DNA transcription unit comprising DNA encoding a desired antigen operatively linked to a promoter region, [whereby] thereby eliciting a humoral immune response, a cell-mediated immune response or both, [is elicited] against the desired antigen, whereby the vertebrate is protected from disease caused by the infectious agent.

Remarks

Rejection of Claims under 35 U.S.C. 112, first paragraph

The Examiner rejected claims 1-18, stating that: the disclosure is enabling only for claims limited to a method of immunizing a vertebrate by administering a DNA transcription unit encoding H1 and H7 influenza hemagglutinin antigens in nonhuman animals....

Applicants respectfully disagree with this assessment. The H1 and H7 influenza hemagglutinin antigens used to protect mice, chickens, and ferrets, are representative of the antigens which can be used in the current invention, and were not intended to induce protection to other hemagglutinin subtypes. Appropriate antigens for other hemagglutinin subtypes, and for other viruses, pathogens,

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